Docket No. NB 201

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: Not Yet Assigned

Group Art Unit: 1645

In re Application for:

H. Michael SHEPARD, et al.

Serial No.: 09/910,345

Filing Date: July 20, 2001

For: METHODS FOR IDENTIFYING THERAPEUTIC TARGETS FOR TREATING INFECTIOUS DISEASE

Commissioner for Patents Washington, D.C. 20231

## INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 C.F.R. § 1.56, the references listed on the attached Form PTO-1449 are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application.

## I. Timing of the Information Disclosure Statement:

This Inf

Informa	tion Disclosure Statement is filed:
	With the new patent application submitted herewith (37 C.F.R. § 1.97(a)).
	Within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 C.F.R. § 1.491.
	Before the mailing date of a first Office action on the merits. In the event, however, that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is hereby authorized to charge Deposit Account No. 50-1189 for any fees required pursuant to 37 C.F.R. §§ 1.17(p) or 1.17(i)(1).

This Information Disclosure Statement is filed:



After the first Office Action and more than three months after the application's filing date; or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and the Commissioner is hereby authorized to charge Deposit Account No.[ ] for the fee (\$180) set forth in 37 C.F.R. § 1.17(p) and any additional required fees.

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This Information Disclosure Statement is filed:								
	After the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and is accompanied by the fee (\$180.00) set forth in 37 C.F.R. § 1.17(i)(1) and a certification as specified in 37 C.F.R. § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the Information Disclosure Statement.							
The unders	igned certifies that:							
	Each item of information contained in the Information Disclosure Statement was first cited in any communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.							
	No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.							
II. Copies o	f the Cited Items:							
	Copies of all of the items listed on the attached Form PTO-1449 are enclosed.  Copies of only the following items listed on the attached Form PTO-1449 are enclosed:							
	Copies of those items listed in the attached Form PTO-1449 are not supplied because they were previously cited by or submitted to the Patent Office in a prior Application No. 09/516,488, filed March 1, 2000 and relied upon in this application for an earlier filing date under 35 U.S.C § 120. See 37 C.F.R. § 1.98(d).							
	Copies of those items which are marked with an asterisk (**) in the attached Form PTO-1499 were cited in a foreign examination report in a related case. A copy of the search report and the cited references not already of record in this application are attached hereto.							

Serial No.: 09/910,345 Docket No.: NB 2017.00

### III. Concise Explanation of Relevance:



A concise explanation of relevance of the items listed on Form PTO-1449 is not given.

A concise explanation of relevance of [some of] the items listed on Form PTO-1449 is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references (copy attached).

#### IV. Conclusion:

Citation of the above documents shall not be construed as:

- 1. an admission that the documents are necessarily prior art with respect to the instant invention;
- 2. a representation that a search has been made, other than as described above; or
- 3. an admission that the information cited herein is, or is considered to be, material to patentability as defined in § 1.56(b).

It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO 1449 with initials or other appropriate marks.

The Commissioner is hereby authorized to charge Deposit Account No. <u>50-1189</u>, Billing Reference No. <u>23896-7101</u> for any additional fees required in connection with the filing of this Information Disclosure Statement.

DATE: April\_\_/6\_\_, 2002

Respectfully submitted,

Antoinette F. Konski

Registration No.: 34,202

Michele Todd Wasmuth Registration No.: 43,239

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<sup>\*</sup> EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Considered

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to compete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.

<sup>&</sup>lt;sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at <a href="www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form1449B-PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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<sup>\*</sup> EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>&</sup>lt;sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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